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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,796	06/20/2003	Paul B. Wilson	P01003US2A	9688

7590 03/14/2005

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EXAMINER

JENKINS, JERMAINE L

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/600,796	WILSON, PAUL B.	
	Examiner	Art Unit	
	Jermaine Jenkins	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8, 10, 12 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed et al (6,748,797).

In regards to claim 1, Breed et al teaches a tire-monitoring device having a body (14) capable of being positioned adjacent a pneumatic tire (12) having that is at least partially fabricated from a tire material (see Figure 1), and a sensor (10) carried by the body (14), the sensor (10) being configured to detect airborne molecules (airborne molecules being interpreted as thermal radiation) generated when the tire material of the pneumatic tire is overheated before the tire material combust (Column 12, lines 54-63).

With respect to claim 2, Breed et al teaches the body (10) defines an opening with the sensor being in fluid communication with the opening (See Figure 1).

With respect to claim 3, Breed et al teaches the body (10) has an outer surface and the sensor (10) is disposed at the outer surface of the body (14) (See Figure 1).

With respect to claim 8, Breed et al teaches the pneumatic tire has an inner chamber; the sensor being exposed to the inner chamber of the pneumatic tire (Column 13, lines 33-40).

With respect to claim 10, Breed et al teaches a tire-monitoring a pneumatic tire (12) having that is at least partially fabricated from a tire material (see Figure 1), the monitoring device (device being interpreted as transducers) having a sensor exposed to the chamber of the pneumatic tire (12) (Column 13, lines 33-40), and a sensor (10) being configured to detect airborne molecules (airborne molecules being interpreted as thermal radiation) generated when the tire material of the pneumatic tire is overheated (Column 12, lines 54-63).

With respect to claims 12 & 13, Breed et al teaches a tire-monitoring a pneumatic tire (12) having the vehicle having a plurality of tires (Column 11, lines 14-25), each of the pneumatic tires being fabricated from a tire material, (see Figure 1), the monitoring device (device being interpreted as transducers) having a sensor exposed to the chamber of the pneumatic tire (12) (Column 13, lines 33-40), and a sensor (10) being configured to detect airborne molecules (airborne molecules being interpreted as thermal radiation) generated when the tire material of the pneumatic tire is overheated (Column 12, lines 54-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (6,748,797) in Burkard et al (5,035,137).

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With respect to claim 11, Breed et al teaches the claimed invention except for a rim, the pneumatic tire being mounted on the rim, the monitoring device being carried by the rim. Burkard et al teaches tire pressure sensor mounted on the rim (12), the monitoring device (13) being carried by the rim (Column 2, lines 50-54; See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture a monitoring device on the rim as taught by Burkard et al in the tire monitoring system of Breed et al for the purpose of conveniently inspecting the damage of the sensor during the installation of the tire to the rim.

Allowable Subject Matter

5. Claims 4, 5, 7 & 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 8 & 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 571-272-2179. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermaine Jenkins
A.U. 2855



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